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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,205	09/12/2003	Rodney H. Thomas	9847-000007/US	9111

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,205

Applicant(s)

THOMAS, RODNEY H.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 2-3, 10, 12-13, 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-9, 11, 14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/704; 11/06/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>exhibit (attachment)</u> . |

DETAILED ACTION***Election/Restrictions***

Applicant's election with traverse of claims 1, 4-9, 11 and 14-18 in the reply filed on 20 December 2004 is acknowledged. The traversal is on the ground(s) that claims 1 and 11 are generic. Therefore, all the claims 1-19 should be considered and examined. This is not found persuasive because having generic claims are not sufficient enough to defeat the restriction. Claims 2-3, 10, 12-13 and 19-26 are withdrawn from consideration as being drawn to the non-elected invention and or species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-9, 11, 14, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,692,345 Mogaki et al.

In regard to claims 1, 11: Mogaki discloses the claimed invention Fig. 1, column 3, lines 59-64, the panel joining mechanism including a at least one plaster board 31L having a top and a pair of opposed sides, at least two Coupling 10 each having a channel L (see attachment) which positioned adjacent a corresponding one of the pair of opposed sides of boards 31L and 31R, having at least one cover 30L which positioned on the plaster board 31L such that corresponding portions of the cover 30L are received and retained within the channel L defined by the coupling 10.

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In regard to claims 6, 16: Mogaki discloses the claimed invention Fig. 1, column 3, lines 26-31, the coupling 10 having an inwardly bent portion 14 engagable with corresponding inwardly bent portion of the cover 30L.

In regard to claims 7, 17: Mogaki discloses the claimed invention Fig. 3d, column 4, lines 26-28, having wall 40 which is known in the art formed from a plurality of joist which located below the plaster board 31L and engaged with the coupling 10.

In regard to claim 9: Mogaki discloses the claimed invention Fig. 5, having a plurality of plaster boards 31L, 31R, wherein at least one coupling 10 positioned between are in contact with corresponding a pair of boards 31L and 31R by having cover 30L, 30R.

In regard to claim 14: Mogaki discloses the claimed invention Fig. 1, the channel L having a lower surface defining at least one opening therethrough therefore, it is capable of allowing a liquid to drain out of the channel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogaki.

In regard to claims 8, 18: Mogaki discloses the claimed invention Fig. 1, the coupling 10 having at least an opening on lower base 11 for receiving fastener 16. It would have been an obvious matter of design choice to provide the base of the coupling with slot or some other shape of opening in order to connect the coupling to the wall, since the only reason applicant is providing the slot to allow wide range of suitable

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fasteners (e.g. nail, screws, etc.) meanwhile, applicant does not disclose the advantage of using different type of fastener (e.g. nail, screws, etc.) therefore, it appears that the invention would perform equally well with opening of the mogaki's invention.

Allowable Subject Matter

Claims 4-5, 15 appear drawn to allowable subject matter but final determination will be made after all objections and 112 matters have been corrected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,351,458	Lehe
US Patent No. 6,401,286	Brenn
US Patent No. 6,594,961	Leines
US Patent No. 6,044,598	Elsasser et al.
US Patent No. 5,735,097	Cheyne
US Patent No. 5,913,784	Hite
US Patent No. 6,651,398	Gregori
US Patent No. 6,584,748 B2	Bresnahan
US Patent No. 5,901,518	Harkins
US Patent No. 6,694,681 B1	Andres
US Pub. No.: 2002/0023395 a1	Pasterchick

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241

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and Fax number is 703-872-9306. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri
Examiner
Art Unit 3635
January 11, 2005



BRIAN E. GLESSNER
PRIMARY EXAMINER

FIG. 1